

January 10, 1951.

Passed on File.

House File 9

By SCHWENGEL and SCHROEDER.

Passed House, Date

Vote: Ayes..... Nays.....

Passed Senate, Date

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to amend section seven hundred eighty-nine point thirteen (789.13), Code 1950, relating to the imposition of sentences for crimes the maximum punishment for which is life imprisonment.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Section seven hundred eighty-nine point
- 2 thirteen (789.13), Code 1950, is hereby amended by
- 3 inserting after the word "murder" in line three (3)
- 4 thereof the following:
- 5 "or any crime the maximum penalty for which is
- 6 life imprisonment,".

EXPLANATION OF H. F. 9

This Act is designed to give a trial court some discretion in sentencing a defendant who has been convicted of a crime, the maximum punishment for which is life imprisonment.

Under the present indeterminate sentence law a trial court has no discretion and must sentence the defendant to the maximum penalty even though the statutes may state that "the defendant may be sentenced for any term of years or life."

This amendment also will enable the Board of Parole to assume jurisdiction over a defendant if he is not sentenced to life imprisonment.

The amendment is necessary to enable a court to assess a punishment in keeping with the seriousness of the offense.

The passage of this Act is recommended by the Iowa County Attorneys' Association.